



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

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In re application of :
Mary A. Lamp et al : DECISION ON
Serial No. 10/042,983 : PETITION
Filed: January 08, 2002 :
For: SOFT, FULLY BAKED BREADSTICKS :

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION, filed May 24, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of April 26, 2004, for failure to timely pay the issue fee as indicated in Notice of Allowability and Notice of Allowance and Issue Fee Due dated December 10, 2003 be withdrawn. The petitioner asserts that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received by applicants.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the Notice of Allowability and Notice of Allowance and Issue Fee Due of December 10, 2003 were not received by the petitioner. The evidence provided includes a statement by the petitioner that the Notice of Allowability and Notice of Allowance and Issue Fee Due of December 10, 2003 were not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Notice of Allowability and Notice of Allowance and Issue Fee Due of December 10, 2003 were not received. Also provided are a copy of the attorney's application file jacket (Attachment One) and a copy of the computerized docket record for



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SN10/042,983 where the Notice of Allowability and Notice of Allowance and Issue Fee Due of December 10, 2003 would have been posted had it been timely received.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the above noted Notice of Allowability and Notice of Allowance and Issue Fee Due to the correspondence address and restarting of the statutory period of response from the remail date thereof.

The Petition is **GRANTED**.

A handwritten signature in cursive script, appearing to read "JStone", is positioned above a horizontal line.

Jacqueline Stone, Director
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